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ATTORNEYS FOR PLAINTIFFS

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**FEDERICO GUEVARA III and
HERLINDA GUEVARA**

Debtors.


**FEDERICO GUEVARA III and
HERLINDA GUEVARA**

Plaintiffs,

VS.

**WELLS FARGO BANK, N.A.,
SUCCESSORS BY MERGER TO
WELLS FARGO HOME
MORTGAGE, INC., ASSIGNS AND/OR
SUCCESSORS IN INTEREST**

Defendant.



CHAPTER 13 CASE NO. 07-32604

ADV. PROC. NO. 08-03191

PLAINTIFFS' WITNESS AND EXHIBIT LIST

COME NOW, Plaintiffs Federico Guevara III and Herlinda Guevara and file this Witness and Exhibit List in accordance with the Alternative Scheduling Order in this case, as follows:

A. WITNESS LIST

- (a) Federico Guevara III
- (b) Herlinda Guevara

- (c) Tamara Savery
- (d) Erin Hirzel Roesch
- (e) Abbey Ulsh
- (f) Mark C. Alfieri
- (g) Theodore O. Bartholow, III (“Thad”)
- (h) Plaintiffs reserve the right to call rebuttal witnesses as necessary.

B. EXHIBIT LIST

- (a) Defendant’s Objections and Answers to Plaintiffs’ First Set of Interrogatories dated April 13, 2009.
- (b) Verification of Defendant’s Objections and Answers to Plaintiffs’ First Set of Interrogatories dated April 13, 2009, executed by Tamara Savery on April 9, 2009.
- (c) Defendant’s Objections and Responses to Plaintiffs’ First Request for Production dated April 13, 2009.
- (d) Defendant’s Supplemental Amended Answers and Objections to Plaintiffs’ First Request for Production.
- (e) Defendant’s Amended Answers and Objections to Plaintiffs’ First Request for Production.
- (f) Plaintiffs’ Answers to Defendant’s Interrogatories and First Set of Requests for Production.
- (g) Plaintiffs’ Amended Answers to Defendant’s Interrogatories and First Set of Requests for Production.
- (h) Verification of Defendant’s Amended Answers and Objections to Plaintiff’s First Set of Interrogatories executed by Tamara Savery on June 12, 2009.
- (i) Property Inspection Schedules (multiple dates) (Bates stamped docs WFB 00375, 00376 and 00377).
- (j) Deed of Trust recorded in Tarrant County on March 7, 2001 (Bates stamped copy at WFB 00230 through 00247).
- (k) Bankruptcy Payment History (pages 1-10) (Bates stamped copy at WFB 00001-00010).

- (l) Mortgage Note produced by Defendant on April 21, 2009 (Bates stamped copy at WFB 00307-00309).
- (m) Corporation Assignment of Deed of Trust dated March 1, 2001 (Bates stamped copy at WFB 00229).
- (n) Payoff Statement (letter) dated April 9, 2009 (Bates stamped copy at WFB 00371-00374).
- (o) Wells Fargo's Proof of Claim, filed on June 27, 2007 in Chapter 13 Bankruptcy case no. 07-32604-13.
- (p) Invoice for Services dated August 24, 2007, from Barrett Burke Wilson Castle Daffin and Frappier LLP (Bates stamped copy at WFB 00381).
- (q) Notice of Deposition of Tamara Savery dated July 8, 2009.
- (r) Tamara Savery's deposition transcript and attached exhibits.
- (s) Notice of Deposition of Erin Hirzel Roesch dated March 22, 2010.
- (t) Erin Hirzel Roesch's deposition transcript and attached exhibits.
- (u) Wells Fargo Consolidated Notes Log (Bates stamped copy at WFB 00383-00403).
- (v) Defendant's June 20, 2008 letter in Response to Plaintiffs' (RESPA) Qualified Written Request Letter, including all attachments thereto.
- (w) Letter from Plaintiffs' counsel to Mark C. Alfieri dated April 15, 2009, including attached Notice of Deposition of Mark C. Alfieri.
- (x) Transcript of September 8, 2008 hearing on Wells Fargo's Motion to Dismiss.
- (y) Defendant's Answer dated September 30, 2008.
- (z) Plaintiffs' Response to Defendant's Motion for Protective Order filed April 19, 2009.
- (aa) Defendant's Response and Brief in Opposition to Plaintiffs' Motion for Partial Summary Judgment filed October 7, 2009.
- (bb) Order on Plaintiffs' Motion for Partial Summary Judgment entered December 23, 2009.
- (cc) Transcript of November 12, 2009 hearing on Plaintiffs' and Defendant's Motions for Partial Summary Judgment.

(dd) Defendant's Response to Plaintiffs' Motion to Exclude Witness, Motion in Limine, or Alternatively, Motion to Compel Expedited Deposition filed March 17, 2010.

(ee) Transcript of hearing held March 19, 2010 on Plaintiffs' Motion to Exclude Witness, Motion in Limine, or Alternatively, Motion to Compel Expedited Deposition.

(ff) Defendant's Motion for Summary Judgment and Brief in support (Docket Nos. 65-66) filed on December 11, 2009.

(gg) Crossland Mortgage Corp. Limited Power of Attorney (Bates stamped copy at WFB 00310-00311).

Dated: April 5, 2010

Respectfully submitted,

ARMSTRONG KELLETT BARTHOLOW P.C.

/s/ Theodore O. Bartholow, III ("Thad")

Theodore O. Bartholow, III ("Thad")

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ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing document was served in accordance with the Federal Rules of Bankruptcy Procedure on April 5, 2010 on the person/entities identified below.

PARTIES IN INTEREST:

Mr. Mark C. Alfieri
Hermes Sargent Bates, LLP
901 West Main Street
Suite 5200
Dallas, Texas 75202

/s/Theodore O. Bartholow, III ("Thad")

Theodore O. Bartholow, III ("Thad")